

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUL 23 2021

TAMMY H. DOWNS, CLERK

By:  DEP CLERK

JEWELLEAN MOORE
ARTHUR CARSON,

V.

NO. 4:21-CV-352-DPM

WANDA C. MERITT, REGIONAL DIR.HUD,
TERMEKA L. HUBBARD, MANAGER OF THE
COTTAGE APARTMENT,AND ENVOLVE MANAGEMENT CO.,

PLAINTIFF'S AMENDED COMPLAINT
AND PRELIMINARY INJUNCTION

PRELIMINARY STATEMENT:

This is a Civil Rights action filed by Jewellean Moore, and Arthur Carson, Former Tenants Of the Cottage Apartments, for Damages and Injunctive relief under 42 U.S.C. 1983, alleging A Constructive Self Help Eviction, and Arbitrary Termination of Hud Subsidies without Due Process, Through coercion, intimidation, and interference with Plaintiff's Fair Housing Rights Because they exercised a Fair Housing Right to file a Complaint regarding Housing Conditions.

JURISDICTION:

This Court has Jurisdiction over Plaintiff's Claims of Violation of of the Fair Housing Act of 42 U.S.C. 1437, 42 U.S.C. 2000(d); 42 U.S.C. 3613; 5 U.S.C. 702; 504 of the Rehabilitation Act.

PARTIES:

- 1). Plaintiff, Jewellean Moore, 11401 Mesa DR # D232, Little Rock, AR 72211;
- 2). Plaintiff, Arthur Carson, 11401 Mesa DR # D232, Little Rock, AR 72211,
- 3). Defendant, Wanda C. Meritt, HUD Regional Director, 425 Capitol Ave #100, Little Rock, AR 72201;
- 4). Defendant, Envolve Management CO., 300 Spring Street #900, Little Rock, AR 72201;
- 5). Defendant, Termeka Hubbard, Manager of the Cottage Apt., 10436 W. 36th Street, Little Rock, AR 72204.

STATEMENT OF THE CLAIMS:

Plaintiff's Jewellean Moore, and Arthur Carson, hereinafter, "Moore, Carson",
Were Tenants of the Cottage Apartments, pursuant to an Agreement between HUD,
Via its Section 202 Program for the Elderly and Disabled, (12 U.S.C. 1701), and
The Cottage Apartments, for Subsidized Housing below Market cost.

On November 08, 2020, Moore and Carson's Subsidized Tenancy were arbitrarily
Terminated without any required Due Process, (24 C.F.R. 966.51; 24 C.F.R. 247.4).
The Defendants through Retaliation, Coercions, Interfered with Moore, and Carson's
Tenancy Forcing them out of their Housing because Carson filed Written complaints
Against Management, and for a previous Settlement Agreement with Defendants.

- 1). Moore and Carson, were deprived the protection of HUD'S Regulations requiring Envolve, Termeka Hubbard, provide written Notice of the specific grounds for terminating Tenancy; inform Moore and Carson their Right to Reply; inform Moore and Carson Of their Right to examine Documents relevant to the Eviction,(24 C.F.R.982.310).
- 2). On 11/08/2020, Termeka Hubbard, after refusing Rent payment boisterously stated To Carson, "You can't stay here filing those things", referring to Carson's complaint. (24 C.F.R. 100.400, Retaliation).
- 3). Moore, separately qualified for Hud subsidized Housing, and were not given any Auxiliary or Legal aid prior to Her Eviction, due to Her Disabilities or reasonably accommodate With Effective Communication for Her, due to Dyslexia, (42 U.S.C.3604(f)((3)(B).
- 4). Moore and Carson, were Constructively Evicted with harassing tactics, where Termeka Hubbard used Maintenance workers to demand Carson come to Her Office To intimidate, and interfere with the quiet Enjoyment of their Housing,(42 U.S.C.1437).
- 5). Moore, also suffers End Stage Kidney disease, Hypertension, with a compromised Immune System, were Evicted during The height of Covid-19 Pandemic, contrary to The CDC Moratorium against Evictions, (The Care's Act, Sec. 4024; Pub.L.116-136). Envolve Management, and Termeka Hubbard ignored Moore, and Carson's Rights, while Acting as Agents for Hud .

6). After each written complaint made to Envelope by Carson, Termeka Hubbard, would respond With some form of adverse action. Her final inimical act, interfered with Moore and Carson's Rental Payment Check, where Hubbard destroyed the Bank of America Check for November, 2020, (42 U.S.C. 3617, "Interference, Coercion, or Intimidation Prohibition").

7). Wanda C. Meritt, and the HUD'S Regional Office, despite numerous Phone calls, and Emails to FHA Resource Center, failed to intervene, or ensure compliance with Hud's Regulations with this Contracted Housing Provider, depriving Moore and Carson Fair Housing, depriving them of any Due Process, and subsidies whimsically terminated.

Defendant Meritt, and Hud closed their eyes to its Housing Providers wrongdoing, by Refusing to Supervise its contractors, allowing Envelope, and Termeka Hubbard Run amok.

8). Defendant Meritt, failed to ensure Moore and Carson's ability to Exercise Fair Housing Rights, i.e., "Make Fair Housing Complaints without Reprisals", are the Proximate cause of Moore, and Carson harm.

9). Defendant Meritt, had a duty to ensure Envelope, and Defendant Hubbard, adhere to The ten day meeting Requirements, and thirty day notice, (Hud's Handbook, 4350.3), And that Moore, Carson contract could only be terminated for Serious Violations, (24 CFR-982.310).

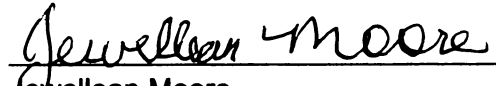
Defendant Meritt, had a duty to ensure its Contract Housing Providers adhere to the "Good Cause" eviction standards to maintain their contract with Hud, and Tax Credit With the Internal Revenue Service, (26 U.S.C.A. 42 (h)(6)(E)(ii)(I).

(4)

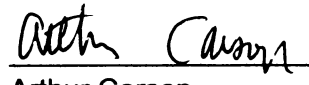
10). Defendant Meritt, and Envolv failed to Supervise Termeka Hubbard, to the detriment of Moore, and Carson, and thwarted any resolution were deliberate, and indifferent failures.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs Prays, This Court Issue Declaratory Judgment and Preliminary Injunction Restoring Plaintiff's To Subsidized Housing Status; Compensatory, and Punitive Damages of \$100,000, from Each Defendant and All Else Relief this Court Deem Equitable and Just under Law.

RESPECTFULLY SUBMITTED:

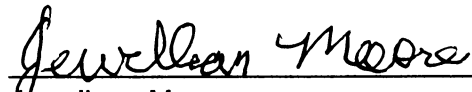

Jewellean Moore
11401 Mesa DR #D232
Little Rock, AR 72211
(501-247-9150)

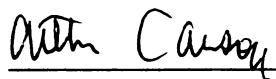
Dated This 23rd Day of July, 2021


Arthur Carson
11401 Mesa DR #D232
Little Rock, AR 72211
(601-2403437)

I, Jewellean Moore, and Arthur Carson, Swear the Foregoing Facts herein are True and

Correct, to the Best of Our Knowledge.


Jewellean Moore


Arthur Carson

(5)

7/19/2021

Gmail - Thank you for contacting the FHA Resource Center, RE: Hud Contract Apartment Problem



Art Carson <artcarson67@gmail.com>

Thank you for contacting the FHA Resource Center, RE: Hud Contract Apartment Problem

1 message

DoNotReplyFHA <DoNotReplyFHA@hud.gov>
 To: Art Carson <artcarson67@gmail.com>

Tue, Oct 13, 2020 at 9:46 AM

Dear Art Carson ,

Thank you for contacting the FHA Resource Center. Based on the content of your email, it appears that your request falls under the jurisdiction of another agency or department. Therefore, we are providing general information that may assist you. Please refer to the contact information and/or website below for additional assistance. Your email request was regarding Hud Contract Apartment Problem .

How do I file a complaint against my public housing agency or landlord who receives rent subsidy from HUD?
 If you currently have a Housing Choice Voucher (formerly a Section 8 housing voucher) and have a complaint about your landlord or your housing unit, you should contact your Public Housing Authority (PHA) to help resolve your complaint.

If you have contacted your PHA and it has been unable to resolve your concerns or if you have a complaint about your PHA, contact the Public and Indian Housing Information Center at 1-800-955-2232 or visit the following HUD website: https://www.hud.gov/program_offices/public_indian_housing/about/css

If you need information or have questions about subsidized apartments for low income families in your area, including rent calculations or a complaint about a landlord who is receiving a subsidy for your rent payment (also known as Multifamily Housing), please contact the Multifamily Housing Clearinghouse at 1-800-685-8470 (1-800-MULTI-70). The line is staffed Monday through Friday from 9:00 a.m. to 5:00 p.m. Eastern Time. You may also visit the following HUD website: https://www.hud.gov/program_offices/housing/mfh/hc/complaint

If you are looking to see if your apartment is covered under the CARES Act eviction moratorium, you can search for FHA-insured or Multifamily Assisted properties at the following website: https://www.hud.gov/program_offices/housing/mfh/hsgrent/mfhpropertysearch
 A HUD Multifamily Assisted property includes properties that receive HUD project-based assistance through its Section 8 rental assistance program; Section 202 Housing for Low-income Elderly; or Section 811 Housing for Persons with Disabilities programs; and formerly assisted Multifamily properties with continuing use restrictions. Properties that are part of HUD's Public and Indian Housing programs, including Housing Choice Vouchers, Project-Based Vouchers, or Public Housing, or are participating in Community Development Block Grant programs, are not part of this database and will not appear in search results.

If you're among those financially impacted by the coronavirus pandemic, you might be concerned about how to pay your mortgage or rent. Federal and state governments have announced plans to help struggling homeowners during this time. For more information, visit: <https://www.consumerfinance.gov/about-us/blog/guide-coronavirus-mortgage-relief-options/>

Your rights as a renter or tenant will be governed by the laws in your State. For information on the laws in your State, go to: https://www.hud.gov/topics/rental_assistance/tenantrights

You may also wish to contact a HUD approved housing counseling agency in your area for unbiased counseling on your particular situation.

- Access to an on-line list of HUD approved housing counseling agencies is available at: <https://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>;
- A list of HUD approved Housing Counseling Agencies and their contact information can be obtained by calling HUD's interactive voice system at 1-800-569-4287;

- Additional information is also available at: https://www.hud.gov/i_want_to_talk_to_a_housing_counselor

If you're among those financially impacted by the coronavirus pandemic, you might be concerned about how to pay your mortgage or rent. Federal and state governments have announced plans to help struggling homeowners during this time. For more information, visit: <https://www.consumerfinance.gov/about-us/blog/guide-coronavirus-mortgage-relief-options/>

Benefits.gov is an online resource to help you find federal benefits you may be eligible for in the United States. Visit <https://www.benefits.gov/> for more information and a link to the Benefit Finder, to find information on government benefits you may be eligible to receive.

DISCLAIMER: All policy information contained in this knowledge base article is based upon the referenced HUD policy document. Any lending or insuring decisions should adhere to the specific information contained in that underlying policy document.



Art Carson <artcarson67@gmail.com>

Thank you for contacting the FHA Resource Center, RE: Retaliation for complaint/and Falsification of documents

1 message

DoNotReplyFHA <DoNotReplyFHA@hud.gov>

Tue, Jun 16, 2020 at 11:42 AM

To: Art Carson <artcarson67@gmail.com>

Dear Art Carson ,

Thank you for contacting the FHA Resource Center. Based on the content of your email, it appears that your request falls under the jurisdiction of another agency or department. Therefore, we are providing general information that may assist you. Please refer to the contact information and/or website below for additional assistance. Your email request was regarding Retaliation for complaint/and Falsification of documents .

How do I file a complaint against my public housing agency or landlord who receives rent subsidy from HUD?

If you currently have a Housing Choice Voucher (formerly a Section 8 housing voucher) and have a complaint about your landlord or your housing unit, you should contact your Public Housing Authority (PHA) to help resolve your complaint.

If you have contacted your PHA and it has been unable to resolve your concerns or if you have a complaint about your PHA, contact the Public and Indian Housing Information Center at 1-800-955-2232 or visit the following HUD website: https://www.hud.gov/program_offices/public_indian_housing/about/css

If you need information or have questions about subsidized apartments for low income families in your area, including rent calculations or a complaint about a landlord who is receiving a subsidy for your rent payment (also known as Multifamily Housing), please contact the Multifamily Housing Clearinghouse at 1-800-685-8470 (1-800-MULTI-70). The line is staffed Monday through Friday from 9:00 a.m. to 5:00 p.m. Eastern Time. You may also visit the following HUD website: https://www.hud.gov/program_offices/housing/mfh/hc/complaint

Your rights as a renter or tenant will be governed by the laws in your State. For information on the laws in your State, go to: https://www.hud.gov/topics/rental_assistance/tenantrights

You may also wish to contact a HUD approved housing counseling agency in your area for unbiased counseling on your particular situation.

- Access to an on-line list of HUD approved housing counseling agencies is available at: <https://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>
- A list of HUD approved Housing Counseling Agencies and their contact information can be obtained by calling HUD's interactive voice system at 1-800-569-4287